

REMARKS

Claims 1-25 are pending in the application with Claims 1, 12, 17, 24 and 25 as independent claims. The Examiner has rejected Claims 1-7, 10-12, 15-26, 28-30, 32-33 and 35-36 under 35 U.S.C. §102(b) as being unpatentable over Philip et al. (WO 0005912) and Claims 8, 9, 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Philip in view of John et al. (GB Pub. No. 2398455). The Examiner further rejected Claim 27 under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Claims 31 and 34 are rejected under 35 U.S.C. §103(a) as being unpatentable over Philip in view of Samuels et al. (U.S. PGPUB 2003/0003882). Claims 31 and 34 are further rejected under 35 U.S.C. §103(a) as being unpatentable over Philip in view of Uebayashi et al. (EP 1 168878).

Philip discloses a method for allocating resources to a terminal in a communication system. The system is arranged to support a first duplexing scheme and a second duplexing scheme. One of the first or second duplexing schemes is allocated to the terminal in response to at least one criteria relating to the spectral use of the system so as to optimize the spectral efficient use of the system by the terminal. (See Abstract).

Regarding the §112, first paragraph rejection of Claim 27, the Examiner asserts that Claim 27 recites that the TDD bandwidth is greater than the FDD bandwidth, which is not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed had possession of the claimed invention. The Applicants respectfully disagree. Referring to page 8, line 20-page 10, line 2, i.e. the description of Fig. 1 of the present application, it is disclosed that the TDD frequency resource, i.e. the bandwidth area, is assigned more frequency resources than the FDD frequency resource area. Accordingly, Claim 27 is supported by the disclosure of the present application.

The present invention recites assigning a channel of a forward link or a reverse link in the TDD mode to the mobile station located in the close area from the base station, and assigning a channel of the forward link in the TDD mode or a channel of the reverse link in the FDD mode to the mobile station located in a remote area from the base station. Philip does not teach the above feature of the present invention.

More importantly, independent Claims 1, 12, 17, 26 and 35 are amended to recite the above feature of the present invention, which is not expressly taught nor impliedly suggested by Philip.

As for independent Claims 24 and 25, in the last response the Applicants argued that the limitations recited in those claims are not inherent. The Examiner neither rebutted nor made any mention of those arguments in the current Office Action. On page 4 of the Office Action, in the rejection of Claim 1, the Examiner notes "and similarly applied to Claims 24 and 25." The Applicants cannot begin to interpret what the Examiner meant by that statement because Claims 24 and 25 are totally different from Claim 1. Accordingly, Claims 24 and 25 were not accorded distinct and particular attention in the course of the examination of the application. A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all the claims in the group. See MPEP §707.07(d). A new non-Final Action distinctly addressing each and every claim limitation is respectfully requested.

Accordingly, dependent Claims 2-11, 13-16, 18-23, 27-34 and 36 are allowable because of their dependence upon independent Claims 1, 12 and 17, 26 and 35 respectively.

Therefore, all of the claims pending in the Application, namely, Claims 1-36 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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